

Affidavit

Of Tracy Wilbourn

STATE OF MISSISSIPPI  
COUNTY OF TATE

Personally came and appeared before me the undersigned authority in and for the said county and state, Tracy Wilbourn, a minor, age 17, and makes this his statement and Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth are true and correct to the best of his knowledge.

My name is Tracy Wilbourn. I am 17 years old and I was born on August 12, 1996. My mother's name is Laverne Wilbourn and my father's name is Tracy McNeal. My address is 1018 Smart Road, Como, MS. I attend school at North Panola in Sardis, MS.

On November 14, 2013, at approximately 1 or 2 p.m., I went to the Como Apartments complex, on Warren Street, in Como, Mississippi, where my cousins Lee Eric and Marshall were. A guy named Veil, who was across the street from the apartment complex, hollered something to Jarvis. Hershey, a mentally challenged guy, responded to Veil's comments, which then caused Veil to talk disrespectfully to him. Marshall interrupted Veil by telling him that Hershey was a little challenged. This turned into Marshall and Veil exchanging harsh words. Veil then went back across the street, and got a gun, an assault rifle (Chopper), and returned, talking loudly and angrily, and cursing, although no one was responding. Marshall and Veil began to wrestle and the gun fired, a bullet scraped the back of my right leg, also hitting Jarvis in the back of his leg near his ankle. Jarvis began to scream that he was hit; however, Marshall and Veil continued to wrestle for the gun, during which, the clip fell out.



Veil ran after the wrestling stopped, and Marshall, Mike, and I took the gun and headed to the police station in my mom's, Laverne Wilbourn's, car. When we arrived at the police station, we knocked for someone to let us in, but no one answered, so we left and went to Marshall's mother, my aunt Shirley McNeal's, house. Once we arrived there I called Faye Pettis, assistant Chief of Police for Como, Mississippi to inform her of the incident. She instructed us to return to the scene of the Como Apartments and told me she would meet me there. When we made it back to the apartment complex, Chief Faye Pettis, Chief Earl Burdette, and other law enforcement officers were there. There were police officers and sheriff deputies, maybe a total of 12 law enforcement officers. The sheriff deputies were approximately 20 yards away from the scene of the shooting. I heard Chief Burdette ask my mom if he could speak with me alone at the Como Police Station, and she said yes. Chief Burdette and I then got in his car, I was in the front seat as we started to leave, the Sheriff came from behind the car, opened the front passenger door, grabbed me by the shirt, stating that, "this is my witness," and attempted to snatch me out of the car, I leaned back towards Chief Burdette as Sheriff Darby grabbed my right shoulder, Chief Burdette pulled off causing the Sheriff to lose his grip.

Chief Burdette and I then went to the police station and entered the back room. We sat at a desk, and Chief Burdette began to ask me questions about the shooting incident, when someone began knocking on the back door. Chief Burdette went to answer the door, I could hear a man telling him to give him his witness, and Chief Burdette responded saying that my mom had given him permission to take me with him. I then heard a lot of commotion and the man, and Chief Burdette entered the room. A white female entered the room behind them, the man was a white male Sheriff Deputy with a bullet proof vest on, and the female had on a Sheriff Deputy's uniform. The deputy and Chief Burdette began talking about me. The female deputy tried to

persuade me to come with her and I told her no. 3 or 4 more deputies then entered the room along with my mom, her 6 month old god baby, and my 15 year old brother. Sheriff Dennis Darby, and Assistant Chief Faye Pettis also entered the room, along with 5 more deputies, all were white males in uniform.

Sheriff Darby, and the deputies began telling Chief Burdette and Chief Pettis, who were standing next to each other, to give them their witness. Chief Burdette and Chief Pettis told the men that they had an understanding with my mother that they would bring me to the station and question me. Chief Burdette, prior to the last of the group of deputies entering the room, had placed a can of mace on his desk and at that time, grabbed the can and was moving it toward his belt. No one was threatening Chief Burdette, and he didn't give the impression that he felt threatened; however, as soon as he began to move the mace, a deputy grabbed it, and Sheriff Darby, along with a group of deputies rushed Chief Burdette, and pinned him to the desk. Sheriff Darby was the most aggressive out of the officers holding Chief Burdette on the desk, and was the first to grab him. My mom, brother, the baby, and I then tried to leave the room, but the female deputy blocked the door telling us that we could not leave, and also threaten my mom jail if she left. The female deputy then jumped on the desk where Chief Burdette was being held. We then took that opportunity to leave the building. We hid behind a tree for about 5 minutes in the back of the station. I then saw a deputy exit the station with Chief Burdette in handcuffs. Chief Burdette, before leaving, told me to give my statement to the highway patrolman. We then drove the highway patrol office where I gave a statement to the patrolman.

Chief Burdette did not do anything to provoke the incident in the station. He was attempting to interview me at my request. I did not want to talk to the Sheriff, and told him and

his deputies so, before they attacked Chief Burdette, and held me, my mother, brother, and the baby against our will in the station.

Dated this the 14th day of August, 2014.

Tracy Wilbourn

Tracy Wilbourn

Sworn to and subscribed before me, this the 14th day of August, 2014.

[Signature]

Notary Public

My Commission Expires:

